

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 27 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2012-0143-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
DAVID ALLEN WILSON,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2009102243001DT

Honorable Glenn M. Davis, Judge

REVIEW DENIED

William G. Montgomery, Maricopa County Attorney
By Catherine Leisch

Phoenix
Attorneys for Respondent

David Allen Wilson

Phoenix
In Propria Persona

V Á S Q U E Z, Presiding Judge.

¶1 Petitioner David Wilson seeks review of the trial court’s order denying his of-right petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007).

¶2 Pursuant to a plea agreement, Wilson was convicted of discharge of a firearm at a structure and two counts of endangerment. The trial court imposed an enhanced, presumptive, 10.5-year term of imprisonment on the firearm count and, on the two endangerment counts, suspended imposition of sentence and placed Wilson on three-year terms of probation to begin “[u]pon absolute discharge from prison.” Thereafter Wilson initiated a post-conviction relief proceeding. Appointed counsel informed the court that she could find no “colorable claims for relief to raise,” but in his pro se petition, Wilson argued that his plea had not been knowingly, intelligently, and voluntarily entered and that he had received ineffective assistance of counsel. In a thorough, well-reasoned minute entry, the trial court summarily dismissed the petition.

¶3 As the state points out, Wilson’s petition for review contains no description of the issues decided by the trial court, or facts material to the consideration of those issues, as required by Rule 32.9(c)(1). He instead attempts to incorporate by reference his petition for post-conviction relief and various other trial-court documents, but that procedure is not permitted. Ariz. R. Crim. P. 32.9(c)(1)(iv). Likewise, he refers to the pleadings below in giving reasons the petition for review should be granted, *see id.*, but does not explain how the trial court abused its discretion in denying him relief, *see Ariz.*

R. Crim. P. 32.9(c)(1), and fails to develop adequately the two cursory legal arguments he does present, *see State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995), one of which was first raised in his reply below, *see State v. Lopez*, 223 Ariz. 238, ¶¶ 5, 7, 221 P.3d 1052, 1053, 1054 (App. 2009). For all these reasons, we deny review. *See State v. Carriger*, 143 Ariz. 142, 146, 692 P.2d 991, 995 (1984) (“Petitioners must strictly comply with Rule 32 or be denied relief.”).

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Judge

/s/ Virginia C. Kelly

VIRGINIA C. KELLY, Judge